

Application No. 10/088,691

Attorney Ref. 19378.0026

REMARKS

This is a supplemental communication in response to the Office Action mailed September 29, 2004. Claims 1-14 are pending in the application. The Applicants have amended claims 1-9 and 11-14. This amendment differs from the December 29, 2004 amendment in that it deletes reference numbers recited in the claims and recites a limitation included in the original claim language of independent claim 1, which was mistakenly omitted from amended claim 1 of December 29, 2004. Applicants submit that the application is now in condition for allowance.

A. Rejection under 35 USC 112, second paragraph

Claims 12 and 13 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner rejected claims 12 and 13 as lacking sufficient antecedent basis for the limitation "application." The Applicant has amended claims 12 and 13 in accordance with the Examiner's comments. Specifically, claims 12 and 13 have been amended to clearly recite that there is an application program that is stored in ordinary memory and some of the instructions for the application program is stored in a further memory. The Examiner's rejections are believed to be overcome. Accordingly, withdrawal of the rejection is respectfully requested.

B. Rejection under 35 USC 102

Claims 1, 2 and 4-9 have been rejected under 35 USC 102(b) as being anticipated by Drerup (US Patent No. 5,333,285).

Applicant submits that there is a fundamental difference between the present invention and the cited prior. The present invention is explained on pages 1-2 in the description. In certain cases, such as for example in connection with aircrafts, it is very important that an application

Application No. 10/088,691

Attorney Ref. 19378.0026

controlled by an application program functions correctly. For example, an error may be particularly likely to occur when a new version of the application program is used. It is therefore of outmost importance that at least some basic functions of the new application program work even if an error would occur.

These problems are solved by the present invention as defined in the amended claims 1, 12, and 13. Essential to the present invention is that the computer device includes a further memory unit that is arranged to comprise at least some basic instructions concerning the application program in question. Furthermore, it is important that in case an error is detected, a restart signal is generated by a supervisory unit, and, moreover, it is important that the ordinary memory unit (that for example may include the application program, which has not been tested thoroughly, for the application in question) is disconnected and that the processor means instead reads and executes the instructions that are stored in the further memory unit. With the invention, a safer function of the computer device is achieved after a restart signal generated in response to a detected error. In particular, with the present invention, an application that is controlled by the computer device can continue even if an error has occurred.

The primary reference cited by the Examiner, Drerup, is concerned with the particular problem involved when a plurality of processor cards are installed on a host system or a server. In particular, Drerup is concerned with a problem when a feature card crashes and the standard CTRL-ALT-DEL sequence fails to reset the system. Drerup, thus, relates to the particular problem of resetting a certain feature card corresponding to a particular terminal and contained in a host machine having multiple feature cards (see column 1, lines 52-60). It is thus clear that D1 concerns a completely different problem than the present invention.

In addition, Drerup shows a feature card comprising a processor unit 21, a ROM 23 and a RAM 25. In the ROM there is a program 31 that is an initialization program. In the RAM, there is a program 33 that can be an application program or an operating system that runs under normal conditions and a program 35 which is an interrupt routine. If there is a problem in the execution of the program 33, a watchdog timer 27 initiates a signal to the CPU 21. If a user also has input a CTRL-ALT-DEL signal, the system is reinitialized by running the program 31, which, as mentioned above, is an initialization program, which may be a power-on-self-test (see

Application No. 10/088,691

Attorney Ref. 19378.0026

column 4, lines 31-33). From the above it is clear that Fig. 2 in Drerup concerns a completely different device than the present invention. Drerup does not disclose that the ROM 23 should contain at least some basic system instructions in the form of application instructions, such as for program 33, that control a system or a part of a system that is controlled by the computer device.

In addition, Drerup does not disclose that the RAM 25 should be disconnected from the CPU when the initialization program is run. Fig. 4 in Drerup describes a circuit that is expanded compared to the circuit according to Fig. 2. The circuit according to Fig. 4 thus has a further CPU 5. This CPU 5 is connected to a RAM 59. The RAM 59 includes a program 55 for an interrupt routine and a program 57 which can be an application program or an operating system. The purpose of the more complicated circuit according to Fig. 4 is to be able to carry out a reset of the feature card in question without having to power the machine off and on (see column 6, lines 15-27). However, also according to the more complex circuit of Fig. 4, if the feature card in question is to be reset, the initialization program 31 in ROM 23 is run (see column 6, lines 4-11) as explained above in connection with Fig. 2. Since ROM 23 contains an initialization program, the present invention is new and inventive also in view of the disclosure of Fig. 4 in Drerup for the same reasons as explained above in connection with Fig. 2. Consequently, the disclosure in connection with Fig. 2 and 3 in Drerup does not disclose each element as recited in amended claim 1.

Claims 2 and 4-9 depend from independent claim 1. Accordingly, Drerup fails to disclose or suggest all of the elements now recited in claims 2 and 4-9 for at least the same reason discussed above with respect to claim 1.

B. Rejection under 35 USC 103

Claims 3, 10, 11, and 14 have been rejected under 35 USC 103 as being unpatentable over Drerup (US Patent No. 5,333,285).

Application No. 10/088,691

Attorney Ref. 19378.0026

Claims 3, 10, and 11 depend from independent claim 1. Accordingly, Drerup fails to disclose or suggest all of the elements now recited in claims 2 and 4-9 for at least the same reason discussed above with respect to claim 1.

In addition, Applicant requests support for the position that the limitations of claims 3, 10, and 11 are notoriously well known in the art.

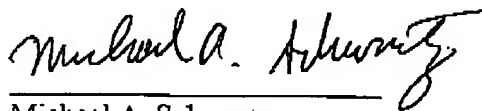
D. Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 referencing 19378.0026.

Respectfully submitted,
Swidler Berlin LLP

Dated: January 26, 2005

By:



Michael A. Schwartz
Registration No. 40,161
(202) 424-7500 Telephone
(202) 295-8478 Facsimile

CORRESPONDENCE ADDRESS:
Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

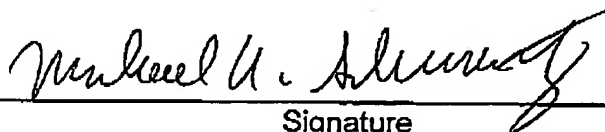
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on January 26, 2005.

Date



Signature

Michael A. Schwartz, Reg. No. 40,161

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Supplemental Amendment/Response

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.